THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 23465 OF 2003

Dated 25th July 2007

Between:

Annem Sivannarayana Reddy

…Petitioner

and

Nadendla Sivaiah & others

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY
WRIT PETITION No. 23465 OF 2003

O R D E R:

The petitioner was elected as Sarpanch of Vadlamudivaripalem Grampanchayat, Guntur District. The 1st respondent filed Election O.P.No.9 of 2001, in the Election Tribunal-cum-Principal Junior Civil Judge, Narsaraopet, challenging the election of the petitioner. Through its judgment, dated 13.10.2003, the Tribunal allowed the Election OP, and set aside the election of the petitioner. A direction was issued to the concerned authorities, to hold fresh election for the post of Sarpanch, for which the petitioner was elected. This writ petition is filed, challenging the judgment of the Tribunal in O.P.No.9 of 2001.

Heard the learned counsel for the petitioner, learned Government Pleader for Panchayat Raj, and learned counsel for the 1st respondent.

The election of the petitioner was set aside, on the ground that

as on the date of filing of his nomination, he was convicted in an offence. While admitting the writ petition, this court did not grant any interim order, and dismissed the WPMP No.29479 of 2003. The result is that the petitioner ceased to function as Sarpanch, for the rest of his term. The term of the office, for which the petitioner was elected, had also expired.

The conviction suffered by the petitioner was examined, in relation to the election in question. It would not be a permanent feature. The relevance and legal consequence of the said conviction, in the context of any fresh election, is to be determined, as and when the petitioner submits nomination for any future election. For all practical purposes, the writ petition has become infructuous, on account of the expiry of the term.

Hence, the writ petition is closed, leaving the question, as to the eligibility of the petitioner to contest in future election, open. There shall be no order as to costs.

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25th July 2007

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